REMARKS

Claims 1-45 are pending in the present application. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 102, Alleged Anticipation, Claims 1-45

The Office Action rejects claims 1-45 under 35 U.S.C. § 102(c) as being allegedly anticipated by Walker et al. (U.S. Patent No. 6,267,292 B1). This rejection is respectfully traversed.

As to claims 1-45, the Office Action states:

> Walker discloses a, data processing system implemented method for identifying teaser surfers, the method comprising:
> receiving by the data. processing system. a credit history data for a creditor;
> summing, by the data processing system. a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;
> summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;
> calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. (see column 5-15 lines 5-65)
> calculating by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing s stem. the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and
> issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. (Note abstract and see column 5-12 lines 5-65).

Office Action dated March 16, 2004, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 11, 17, 21, 31, 37, and 41-45 with regard to similarly recited subject matter reads as follows:

1.   A data processing system implemented method for identifying teaser surfers, the method comprising:

receiving, by the data processing system, a credit history data for a creditor;

summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months;

summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months;

calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months;

calculating , by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months;

comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and

issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. In re Lowry, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Walker does not identically show each and every feature of the claims arranged as they are in the claims. Specifically, Walker does not

teach receiving, by the data processing system, a credit history data for a creditor in a data processing system implemented method for identifying teaser surfers.

Walker is directed to a financial tender transfer system that allows a transferor to transfer credit or make payment to a transferee by debiting the credit card of the transferor and crediting the credit card of the transferee. The financial tender transfer system gives the transferee immediate access to the transferred money and ensures the transferor's credit card is valid. Neither party needs to give their credit card number to the other, so security is preserved.

In contradistinction the presently claimed invention is directed to consumer credit. The present invention can be used by credit card issuers to identify those who are teaser surfers or point churners by examining historical credit bureau data. Credit card accounts are classified as new, relatively new, and old cards, i.e. opened within six months, within twelve months, and over twelve months ago. The balances for each of three categories are calculated for each month. The average balance percentages of credit cards opened within six months and twelve months for the last twenty-four months are then calculated. Teaser surfers are then defined as having average percentages within the last twenty-four months for all credit cards opened within six and twelve months are greater than predefined percentages.

While the system of Walker may teach financial credit, nowhere in any section of the Walker reference is credit history for a creditor even mentioned. Walker simply is not relevant to the claimed invention beyond merely mentioning some of the elements of the presently claimed invention. Walker makes no mention of receiving, by the data processing system, a credit history data for a creditor; summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months; summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is

calculated for each of the predetermined number of months; calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and   issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Applicants respectfully submit that Walker does not teach all of the features of independent claims 1, 11, 17, 21, 31, 37, and 41-45. Consequently, Walker does not anticipate claims 1, 11, 17, 21, 31, 37 and 41-45.

Furthermore, Applicants respectfully request, under 37 C.F.R. § 1.104(c), that the Examiner points out the particular part of Walker relied on since Walker is a complex reference containing 18 columns that show or describe inventions other than that claimed by the Applicants. Since the Examiner has relied on a rather lengthy portion of the Walker reference, that is column 2-15, lines 5-65, Applicants respectfully submit that there is not adequate support for the anticipation of the Walker reference as alleged by the Examiner.

Moreover, the Walker reference fails to teach receiving, by the data processing system, a credit history data for a creditor. Walker is directed to financial transfers between a transferor and a transferee. Walker specifically states that neither party needs to give their credit card number to the other, so security is preserved. Applicants respectfully submit that if the credit card number for the transferor is not revealed in the Walker reference, there would be no means for receiving a credit history for the transferor.

Additionally, the Walker reference fails to teach summing, by the data processing system, a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months. As discussed above, there is no credit history obtained for the transferor in the Walker reference, hence Walker does not teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period.

Furthermore, Walker fails to teach summing, by the data processing system, a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months. As discussed above, there is no credit history obtained for the transferor in the Walker reference, hence Walker does not teach summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period.

Still further, Walker fails to teach calculating, by the data processing system, a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months. As discussed above, Walker fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Walker could not teach calculating a monthly percentage of new credit card debt to total credit card debt for a one month period.

Even further, Walker does not teach calculating, by the data processing system, an average percentage of new credit card debt to total credit card debt over the predetermined number of months. As discussed above, Walker fails to teach summing a total monthly credit card debt for all credit cards issued to the creditor for a one month period and summing a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period. Thus, Walker could not teach calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months.

Still even further, Walker does not teach comparing, by the data processing system, the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. As discussed above, Walker fails to teach calculating a monthly percentage of new credit card debt to total credit card debt for a one month period and calculating an average percentage of new credit card debt to total credit card debt over the predetermined number of months. Thus, Walker could not teach comparing the average percentage of new credit card debt

to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt.

Walker does not teach issuing, by the data processing system, a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. As discussed above, Walker fails to teach comparing the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Walker could not issue a credit card to the creditor based on the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt. Thus, Applicants respectfully submit that Walker does not teach all of the features of independent claims 1, 21 and 41.

Independent claims 11, 17, 31, 37 and 42-45 recite similar features in their respective claim terminology. Claim 11 which is representative of the other rejected independent claims 31 and 42 with regard so similarly recited subject matter, recites "receiving, by the data processing system, a credit history data for a creditor; summing, by the data processing system, a total monthly relatively new credit card debt for all relatively new credit cards issued to the creditor for a one month period, wherein the total monthly relatively new credit card debt is summed for each of the predetermined number of months; calculating, by the data processing system, a monthly percentage of relatively new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of relatively new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculating, by the data processing system, an average percentage of relatively new credit card debt to total credit card debt over the predetermined number of months; comparing, by the data processing system, the average percentage of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of relatively new credit card debt to total credit card debt to a preset cutoff average percentage of relatively new credit card debt to total credit card debt." Claim 17 which is representative of the other rejected independent claims 37 and 43 with regard so

similarly recited subject matter, recites "receiving, by the data processing system, a credit history data for a creditor; comparing, by the data processing system, an amount of new credit card debt to a total amount of credit card debt; and issuing, by the data processing system, a credit card to the creditor based on the comparison of the amount of new credit card debt to the total amount of credit card debt." Claim 44 which is representative of the other rejected independent claim 45 with regard so similarly recited subject matter, recites "receiving by the data processing system a credit history data for a creditor; determining by the data processing system if the creditor is a teaser surfer based on the credit history data; and rejecting by the data processing system a credit card to the creditor based on the teaser surfer determination."

Thus, Walker does not teach each and every feature of independent claims 1, 11, 17, 21, 31, 37 and 41-45 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 11, 17, 21, 31 and 37, the features of dependent claims 2-10, 12-16, 18-20, 22-30, 32-36 and 38-40 and 35 are not taught by Walker. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-45 under 35 U.S.C. § 102.

Furthermore, Walker does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement Walker such that a data processing system receives a credit history data for a creditor; sums a total monthly credit card debt for all credit cards issued to the creditor for a one month period, wherein the total monthly credit card debt is summed for each of a predetermined number of months; sums a total monthly new credit card debt for all new credit cards issued to the creditor for a one month period, wherein the total monthly new credit card debt is summed for each of the predetermined number of months; calculates a monthly percentage of new credit card debt to total credit card debt for a one month period, wherein the monthly percentage of new credit card debt to total credit card debt is calculated for each of the predetermined number of months; calculates an average percentage of new credit card debt to total credit card debt over the predetermined number of months; compares the average percentage of new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt; and issues a credit card to the creditor based on

the comparison of the average new credit card debt to total credit card debt to a preset cutoff average percentage of new credit card debt to total credit card debt, one of ordinary skill in the art would not be led to modify Walker to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to modify Walker in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

II.   Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: _June 16, 2004_
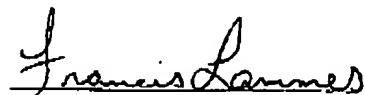
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